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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,133	02/18/2004	Benoit Barabe	50037.220US01	5200
27488 7590 12/10/2009 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
ABDUL-ALL, OMAR R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,133

Applicant(s)

BARABE ET AL.

Examiner

OMAR ABDUL-ALI

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 11/09

DETAILED ACTION

The following action is in response to the response filed September 11, 2009.

Amended Claims 8-18 are pending and have been considered below. Claims 1-7 stand allowed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 9, 11, 13, 14, 16, and 17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) and further in view of Fitzmaurice et al. (US 7,242,387).

Claim 8: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display, comprising:

a. a display screen configured to receive user input from a pen (column 7, lines 53-65);

Berman discloses support for writing but does not disclose in response to determining a current writing location placing the glom widget at a location near the current writing location. Fitzmaurice discloses a similar system that further discloses

while tracking a stylus during a handwriting operation, a tracking menu is displayed which includes multiple commands (page 3, paragraphs 47-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine a current handwriting and place a glom widget near a current writing location in Berman. One would have been motivated to place the widget in response to determining a current handwriting in order to increase operator efficiency. Fitzmaurice (Patent '387') discloses a similar method that further discloses a user may designate different positions of a hovering widget in relation to a cursor location. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place a widget at a location as determined by a user preference in Berman. One would have been motivated to include this limitation to provide a user interface tailored to individual users.

c. placing a glom widget (action handle) near the current writing location that provides access to commands associated with writing (Figure 11a);

d. wherein the glom widget includes only a selected state and an unselected state (column 21, lines 40-67). Specifically, Berman discloses a non-selected state where the action handle is displayed with the cursor, and a selected state where the user is able to select and drag the action handle to make a selection.

Berman modified by Fitzmaurice discloses maintaining the placement of the glom widget at the location such that the glom widget does not move while the glom widget is displayed and during any current writing and when a glom widget menu is activated (column 21, lines 40-45). Berman discloses the action handle is displayed in

association with a flashing insertion point continuously, so that the user will readily be able to find the insertion point. Berman further discloses the action handle stays statically positioned during a drag operation (Figure 11F). Fitzmaurice discloses a tracking menu may be pinned and locked in place and if the menu has been pinned, the system continues tracking of the location of the transducer while the menu is pinned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to lock a menu in place in Berman, for the purpose of improving operator efficiency.

f. displaying the glom widget menu that includes menu items to access the commands that are associated with the writing near the current writing location when the glom widget is selected (column 4, lines 35-50). Specifically, Berman discloses the action handle may be tapped to reveal commands in a context menu such as "delete" and "make upper case".

Claim 9: Berman and Fitzmaurice disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 8 above, and Berman further discloses placing the glom widget near the current writing location further comprises placing the glom widget such that user movement to access the glom widget is decreased as compared to accessing a corresponding command contained within a fixed menu (column 21, lines 40-45).

Claim 11: Berman and Fitzmaurice disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 9 above, but neither reference explicitly discloses the glom widget menu is customizable. However, customizing interface menus is common in the computer arts, and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the menu for the glom widget could be customized. One would have been motivated to customize the widget menu in Berman in order to add additional operations that may be tailored towards user preferences for certain programs.

Claim 13: Berman discloses a method and apparatus for receiving input in a writing window from a user on a display, comprising:

a. a display screen configured to receive user input from a pen (column 7, lines 53-65);

Berman discloses support for writing but does not disclose in response to determining a current writing location placing the glom widget at a location near the current writing location as determined by a user preference. Fitzmaurice discloses a similar system that further discloses while tracking a stylus during a handwriting operation, a tracking menu is displayed which includes multiple commands (page 3, paragraphs 47-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine a current handwriting and place a glom widget near a current writing location in Berman. One would have been motivated to place the widget in response to determining a current handwriting in order

to increase operator efficiency. Fizmaurice (Patent '387') discloses a user may designate different positions of a hovering widget in relation to a cursor location. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place a widget at a location as determined by a user preference in Berman. One would have been motivated to include this limitation to provide a user interface tailored to individual users.

c. placing a glom widget (action handle) near the current writing location that provides access to commands associated with writing (Figure 11a);

d. wherein the glom widget includes only a selected state and an unselected state (column 21, lines 40-67). Specifically, Berman discloses a non-selected state where the action handle is displayed with the cursor, and a selected state where the user is able to select and drag the action handle to make a selection.

Berman modified by Fizmaurice discloses maintaining the placement of the glom widget at the location such that the glom widget does not move while the glom widget is displayed and during any current writing and when a glom widget menu is activated (column 21, lines 40-45). Berman discloses the action handle is displayed in association with a flashing insertion point continuously, so that the user will readily be able to find the insertion point. Berman further discloses the action handle stays statically positioned during a drag operation (Figure 11F). Fizmaurice discloses a tracking menu may be pinned and locked in place and if the menu has been pinned, the system continues tracking of the location of the transducer while the menu is pinned (Figure 9, paragraph 91). It would have been obvious to one having ordinary skill in the

art at the time the invention was made to lock a menu in place in Berman, for the purpose of improving operator efficiency.

f. displaying the glom widget menu that includes menu items to access the commands that are associated with the writing near the current writing location when the glom widget is selected (column 4, lines 35-50). Specifically, Berman discloses the action handle may be tapped to reveal commands in a context menu such as "delete" and "make upper case".

Claim 14: Berman, Fitzmaurice, and Fitzmaurice (Patent '387') disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 13 above, and Berman further discloses placing the glom widget near the current writing location further comprises placing the glom widget such that user movement to access the glom widget is decreased as compared to accessing a corresponding command contained within a fixed menu (column 21, lines 40-45).

Claim 16: Berman, Fitzmaurice, and Fitzmaurice (Patent '387') disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 14 above, and Berman further discloses the glom widget menu comprises a set of commands associated with writing (column 4, lines 35-50).

Claim 17: Berman, Fitzmaurice, and Fitzmaurice (Patent '387') disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 14

above, but does not explicitly disclose the glom widget menu is customizable. However, customizing interface menus is common in the computer arts, and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the menu for the glom widget could be customized. One would have been motivated to customize the widget menu in Berman in order to add additional operations that may be tailored towards user preferences for certain programs.

3. Claim 10 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824), Fitzmaurice et al. (US 7,242,387), and further in view of Kupka (US 7,055,110).

Claim 10: Berman and Fitzmaurice disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 8 above, but the references do not explicitly disclose placing the glom widget near the current writing location further comprises placing the glom widget based on an input language being written. Kupka discloses a system and method for a common on screen zone for menu activation and stroke input that further comprises commands or actions that correspond to font characteristics and paragraph characteristics (column 5, lines 48-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget in Berman could be placed based on an input language being written. One would have been motivated to place the widget based on an input

language being written in order to provide custom options that correspond to the language being written.

4. Claim 15 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) further in view of Fitzmaurice (Patent '387') and further in view of Kupka (US 7,055,110).

Claim 15: Berman, Fitzmaurice, and Fitmaurice (Patent '387') disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 13 above, but the references do not explicitly disclose placing the glom widget near the current writing location further comprises placing the glom widget based on an input language being written. Kupka discloses a system and method for a common on screen zone for menu activation and stroke input that further comprises commands or actions that correspond to font characteristics and paragraph characteristics (column 5, lines 48-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the widget in Berman could be placed based on an input language being written. One would have been motivated to place the widget based on an input language being written in order to provide custom options that correspond to the language being written.

5. Claim 12 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824), Fitzmaurice et al. (US 7,242,387), and further in view of Celebiler (US 6,195,094).

Claim 12: Berman and Fitzmaurice disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 8 above, but the references do not explicitly disclose changing the appearance of the glom widget when a user hovers over the glom widget for a predetermined period of time. Celebiler discloses a similar system that further discloses highlighting a button in a user interface when the user hovers over that button (column 5, lines 22-32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the appearance of a glom widget during a hover operation in Berman. One would have been motivated to include this limitation in order to provide an indication of a selectable interface element.

6. Claim 18 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Berman et al. (US 5,760,773) in view of Fitzmaurice (US 2004/0135824) further in view of Fitzmaurice (Patent '387') and further in view of Celebiler (US 6,195,094).

Claim 18: Berman and Fitzmaurice disclose a method and apparatus for receiving input in a writing window from a user on a display as in Claim 8 above, but the references do not explicitly disclose changing the appearance of the glom widget when a user hovers

over the glom widget for a predetermined period of time. Celebiler discloses a similar system that further discloses highlighting a button in a user interface when the user hovers over that button (column 5, lines 22-32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to change the appearance of a glom widget during a hover operation in Berman. One would have been motivated to include this limitation in order to provide an indication of a selectable interface element.

Allowable Subject Matter

7. Claims 1-7 are allowed in the particular combination as recited in the claim language.

Response to Arguments

8. Applicant's arguments filed 9/11/2009 have been fully considered but they are not persuasive.

Claims 8 and 13: Applicant argues the cited references do not explicitly disclose, "maintaining the placement of the glom widget at the location such that the glom widget does not move while the glom widget is displayed and any current writing and when a glom widget menu is activated." Among other differences, the action handle discloses by Berman moves locations throughout an interaction with the text while it is displayed.

The Examiner respectfully disagrees. Fitzmaurice discloses a teaching of a locked menu location. Specifically, Fitzmaurice discloses a tracking menu may be pinned and locked in place and if the menu has been pinned, the system continues tracking of the location of the transducer while the menu is pinned (Figure 9, paragraph 51). This disclosure provides a teaching of displaying a glom widget at a location that does not move while it is displayed.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is

(571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 9:30 - 7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
12/03/2009

/Kieu Vu/

Supervisory Patent Examiner, Art Unit 2173